

Application No. 10/749,761
Response dated: August 16, 2007
Reply to Office Action of March 22, 2007

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REMARKS

Claims 31-46 are pending in the application and are presented for Examiner Chapman's consideration.

Claims 1-30 were previously withdrawn and are now canceled.

Claim 31 has been amended to require that "the front piece is elastic in a lateral direction and the back piece is elastic only in the lateral direction of the disposable absorbent garment and the crotch piece is elastic only in a longitudinal direction of the disposable absorbent garment." Support for this amendment can be found at least at page 18, lines 5-16 of Applicants' specification. No new matter has been added.

Pursuant to 37 C.F.R. § 1.114, reconsideration of the present application in view of the foregoing amendments and remarks and the following responses is respectfully requested.

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Response to Rejections

By way of the Office Action mailed March 22, 2007, claims 31, 32, 35, 36, 38, 40, 41, and 43 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Number 6,913,599 to Mishima *et al.* (*Mishima*) in view of U.S. Patent Number 4,990,147 to Freeland (*Freeland*), U.S. Patent Number 6,547,774 to Ono *et al.* (*Ono*), and U.S. Patent Application Number 2003/0125696 to Morman *et al.* (*Morman*). This rejection is respectfully traversed to the extent that it may apply to the currently presented claims.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. M.P.E.P. § 2142, 2143.

Currently presented claim 31 requires, in part, that

the crotch piece is attached to the front piece and the back piece and wherein the front piece is elastic in a lateral direction, the back piece is elastic only in the lateral direction of the disposable absorbent garment and the crotch piece is elastic only in a longitudinal direction of the disposable absorbent garment....

Mishima does not disclose a crotch "piece" attached to a front "piece" and a back "piece." To cure this defect, the Examiner combines *Freeland*. Even assuming, *arguendo*, that this combination is proper, the combination of *Mishima* and *Freeland* does not teach a front piece that is elastic in the lateral direction, a back piece that is elastic only in the lateral direction, and a crotch piece that is elastic only in the longitudinal direction as required by currently amended claim 31.

Specifically, *Mishima* discloses a skin-facing sheet that is elastically stretchable in the transverse direction as well as the longitudinal direction at c. 3, ll. 37-40. Therefore, *Mishima* does not teach a back waist region that is elastic in only the lateral direction or a crotch region that is elastically stretchable only in the longitudinal direction. Likewise, *Freeland* teaches at c. 5, ll. 3 and c. 7, ll. 1-6 that the liner preferably has an inelastic area. Therefore, *Freeland* does not teach a back waist region that is elastic in only the lateral direction or a crotch region that is elastically stretchable only in the longitudinal direction.

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As such, the combination of *Mishima* and *Freeland* does not teach or suggest all the claim limitations.

The addition of *Morman* does not cure this defect. *Morman* generally teaches the desirability of the chassis liner to stretch with the outer cover. However, *Morman* does not teach or suggest an elastic inner layer made of front, back, and crotch pieces wherein the crotch piece is attached to the front piece and the back piece. Furthermore, *Morman* does not teach or suggest an elastic inner layer wherein the front piece is elastic in a lateral direction and the back piece is elastic only in the lateral direction and the crotch piece is elastic only in a longitudinal direction as required by the currently amended claims.

Likewise, the addition of *Ono* does not cure this defect. *Ono* generally teaches a main body and an absorbent pad detachably attached to the main body. *Ono* does not teach or suggest an elastic inner layer made of front, back, and crotch pieces wherein the crotch piece is attached to the front piece and the back piece. Furthermore, *Ono* does not teach or suggest an elastic inner layer wherein the front piece is elastic in a lateral direction and the back piece is elastic only in the lateral direction and the crotch piece is elastic only in a longitudinal direction as required by the currently amended claims.

Thus, claim 31 is patentably distinct over the combination of *Mishima*, *Freeland*, *Morman*, and *Ono* because the combination does not teach all the claim limitations as discussed above. For at least this reason, this rejection should be withdrawn. Likewise, claims 32, 35, 36, 38, 40, 41, and 43 depend from claim 31 and are patentably distinct for at least the same reason. The rejection of these claims should also be withdrawn.

By way of the Office Action mailed March 22, 2007, claims 44 and 46 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Number 6,913,599 to *Mishima et al.* (*Mishima*) in view of U.S. Patent Number 4,990,147 to *Freeland* (*Freeland*), U.S. Patent Number 6,547,774 to *Ono et al.* (*Ono*), U.S. Patent Application Number 2003/0125696 to *Morman et al.* (*Morman*), and U.S. Patent Number 5,269,775 to *Freeland et al.* (*Freeland* '775). This rejection is respectfully traversed to the extent that it may apply to the currently presented claims.

As discussed above, the combination of *Mishima*, *Freeland*, *Morman*, and *Ono* does not teach or suggest an elastic inner layer made of front, back, and crotch pieces wherein the crotch piece is attached to the front piece and the back piece. Nor does the

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combination teach or suggest an elastic inner layer wherein the front piece is elastic in a lateral direction and the back piece is elastic only in the lateral direction and the crotch piece is elastic only in a longitudinal direction as required by the currently amended claims.

The addition of *Freeland '775* does not cure this defect. *Freeland '775* teaches that the rear trisection 22R is longitudinally elastically extensible and the central trisection 22C is transversely elastically extensible. This is the opposite of what is claimed.

Therefore, the combination of *Mishima*, *Freeland*, *Ono*, *Morman*, and *Freeland '775* fails to teach or suggest all the limitations of Claim 31. Claims 44 and 46 depend from claim 31 and are patentably distinct for at least the same reason. The rejection of claims 44 and 46 should be withdrawn.

By way of the Office Action mailed March 22, 2007, claims 33, 34, 42, and 45 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Number 6,913,599 to *Mishima et al. (Mishima)*, U.S. Patent Number 4,990,147 to *Freeland (Freeland)*, U.S. Patent Number 6,547,774 to *Ono et al. (Ono)*, U.S. Patent Application Number 2003/0125696 to *Morman et al. (Morman)*, and U.S. Patent Number 6,129,720 to *Blenke et al. (Blenke)*. This rejection is respectfully traversed to the extent that it may apply to the currently presented claims.

As discussed above, the combination of *Mishima*, *Freeland*, *Morman*, and *Ono* does not teach or suggest all the claim limitations. The addition of *Blenke* does not cure this defect. *Blenke* discloses at c. 5, ll. 15-18 that the bodyside liner 24 may be resiliently extensible in at least the cross machine direction but does not teach or suggest an elastic inner layer made of front, back, and crotch pieces wherein the crotch piece is attached to the front piece and the back piece. *Blenke* also does not teach or suggest an elastic inner layer wherein the front piece is elastic in a lateral direction and the back piece is elastic only in the lateral direction and the crotch piece is elastic only in a longitudinal direction as required by the currently amended claims. Therefore, the combination of *Mishima*, *Freeland*, *Ono*, *Morman*, and *Blenke* fails to teach or suggest all the claim limitations and claim 31 is nonobvious for at least this reason.

Claims 33, 34, 42, and 45 depend from claim 31 and are patentably distinct for at least the same reason. The rejection of these claims should be withdrawn.

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By way of the Office Action mailed March 22, 2007, claim 39 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Number 6,913,599 to Mishima *et al.* (*Mishima*) in view of U.S. Patent Number 4,990,147 to Freeland (*Freeland*), U.S. Patent Number 6,547,774 to Ono *et al.* (*Ono*), U.S. Patent Application Number 2003/0125696 to Morman *et al.* (*Morman*), and further in view of U.S. Patent Number 6,482,191 to Roe *et al.* (*Roe*). This rejection is respectfully traversed to the extent that it may apply to the currently presented claims.

As discussed above, the combination of *Mishima*, *Freeland*, *Morman*, and *Ono* does not teach or suggest all the claim limitations. The addition of *Roe* does not cure this defect.

Roe discloses at c. 6, ll. 31-36 that the topsheet includes elasticated regions along at least portions of the longitudinal edges of the slit opening but *Roe* does not teach or suggest an elastic inner layer made of front, back, and crotch pieces wherein the crotch piece is attached to the front piece and the back piece. *Roe* also does not teach or suggest an elastic inner layer and wherein the front piece is elastic in a lateral direction and the back piece is elastic only in the lateral direction and the crotch piece is elastic only in a longitudinal direction as required by the currently amended claims.

Therefore, the combination of *Mishima*, *Freeland*, *Ono*, *Morman*, and *Roe* fails to teach or suggest all the claim limitations and claim 31 is nonobvious for at least this reason. Claim 39 depends from claim 31 and is nonobvious for at least the same reason. Therefore, the rejection of this claim should be withdrawn.

By way of the Office Action mailed March 22, 2007, claim 37 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Number 6,913,599 to Mishima *et al.* (*Mishima*) in view of U.S. Patent Number 4,990,147 to Freeland (*Freeland*), U.S. Patent Number 6,547,774 to Ono *et al.* (*Ono*), U.S. Patent Application Number 2003/0125696 to Morman *et al.* (*Morman*), and U.S. Patent Number 5,037,416 to Allen *et al.* (*Allen*). This rejection is respectfully traversed to the extent that it may apply to the currently presented claims.

As discussed above, the combination of *Mishima*, *Freeland*, *Morman*, and *Ono* does not teach or suggest all the claim limitations. The addition of *Allen* does not cure this defect.

Allen discloses at c. 7, ll. 3-9 that the topsheet is elastically extensible in the longitudinal direction (parallel to axis A-A) and all or a portion may be elastically extensible

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in a lateral direction (orthogonal to axis A-A), but does not teach or suggest an elastic inner layer made of front, back, and crotch pieces wherein the crotch piece is attached to the front piece and the back piece. *Allen* also does not teach or suggest an elastic inner layer wherein the front piece is elastic in a lateral direction and the back piece is elastic only in the lateral direction and the crotch piece is elastic only in a longitudinal direction as required by the currently amended claims.

Therefore, the combination of *Mishima*, *Freeland*, *Morman*, *Ono*, and *Allen* fails to teach or suggest all the claim limitations and claim 31 is nonobvious for at least this reason. Claim 37 depends from claim 31 and is nonobvious for at least the same reason. Therefore, the rejection of this claim should be withdrawn.

For at least the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-3016.

Respectfully submitted,

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